

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

**MEDCHOICE RISK
RETENTION GROUP, INC.,**

Plaintiff,

V.

MAHENDRA AMIN, M.D.

Defendant.

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \end{array}$$

CIVIL ACTION NO. 5:21-CV-00054-LGW

ANSWER

COMES NOW Mahendra Amin, M.D. (“Defendant” or “Dr. Amin”) by and through counsel, and hereby responds to MedChoice Risk Retention Group, Inc.’s (“Plaintiff” or “MedChoice”) Complaint for Declaratory Judgment as follows:

AFFIRMATIVE FIRST DEFENSE

Defendant pleads the affirmative defense of estoppel.

AFFIRMATIVE SECOND DEFENSE

Defendant pleads the affirmative defense of waiver.

ANSWER TO COMPLAINT

Defendant responds separately to the enumerated paragraphs of the Complaint as follows:

I. INTRODUCTION AND NATURE OF THE ACTION

1. Defendant admits that the Complaint is an insurance coverage action.

The remaining the allegations contained in Paragraph No. 1 are denied.

2. Defendant admits the allegations contained in Paragraph No. 2.¹
3. Defendant admits the allegations contained in Paragraph No. 3.
4. Defendant denies the allegations contained in Paragraph No. 4.
5. Defendant denies the allegations contained in Paragraph No. 5.

II. PARTIES

6. Defendant admits the allegations contained in Paragraph No. 6.
7. Defendant admits the allegations contained in Paragraph No. 7.
8. Defendant admits the allegations contained in Paragraph No. 8.

III. JURISDICTION AND VENUE

9. Defendant admits the allegations contained in Paragraph No. 9.
10. Defendant admits the allegations contained in Paragraph No. 10.
11. Defendant admits the allegations contained in Paragraph No. 11.
12. Defendant admits the allegations contained in Paragraph No. 12.

IV. THE LAWSUIT

13. Defendant admits the allegations contained in Paragraph No. 13.
14. Defendant admits the allegations contained in Paragraph No. 14.

¹ To be clear, although Dr. Amin admits the allegations contained in Paragraph 2 of the instant Complaint, Dr. Amin denies the allegations contained in the underlying lawsuit filed in the Middle District of Georgia.

15. Defendant admits the allegations contained in Paragraph No. 15.

16. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph No. 16.

17. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph No. 17.

18. Defendant admits that the Plaintiff accurately quotes the underlying allegations but otherwise denies the remaining allegations contained in Paragraph No. 18.

19. Defendant admits that the Plaintiff accurately quotes the underlying allegations but otherwise denies the remaining allegations contained in Paragraph No. 19.

20. Defendant admits that the Plaintiff accurately quotes the underlying allegations but otherwise denies the remaining allegations contained in Paragraph No. 20.

21. Defendant admits that the Plaintiff accurately quotes the underlying allegations but otherwise denies the remaining allegations contained in Paragraph No. 21.

22. Defendant admits that the Plaintiff accurately quotes the underlying allegations but otherwise denies the remaining allegations contained in Paragraph No. 22.

23. Defendant admits that the Plaintiff accurately quotes the underlying allegations but otherwise denies the remaining allegations contained in Paragraph No. 23.

24. Defendant admits that the Plaintiff accurately quotes the underlying allegations but otherwise denies the remaining the allegations contained in Paragraph No. 24.

25. Defendant admits that the Plaintiff accurately quotes the underlying allegations but otherwise denies the remaining the allegations contained in Paragraph No. 25.

26. Defendant admits the allegations contained in Paragraph No. 26.

V. THE MEDCHOICE POLICY

27. Defendant admits the allegations contained in Paragraph No. 27.

28. Defendant is without sufficient knowledge to either admit or deny the allegations contained in Paragraph No. 28.

29. Defendant states that the Policy speaks for itself. Thus, the allegations contained in Paragraph 29 stand denied.

30. Defendant states that the Policy speaks for itself. Thus, the allegations contained in Paragraph 30 stand denied.

31. Defendant states that the Policy speaks for itself. Thus, the allegations contained in Paragraph 31 stand denied.

COUNT ONE
DECLARATORY JUDGMENT

- 32. No response required.
- 33. Defendant denies the allegations contained in Paragraph No. 33.
- 34. Defendant admits the allegations contained in Paragraph No. 34.
- 35. Defendant denies the allegations contained in Paragraph No. 35.
- 36. Defendant denies the allegations contained in Paragraph No. 36.
- 37. Defendant denies the allegations contained in Paragraph No. 37.
- 38. Defendant denies the allegations contained in Paragraph No. 38.
- 39. Defendant denies the allegations contained in Paragraph No. 39.

COUNT TWO
RECOUPMENT OF DEFENSE COSTS INCURRED

- 40. No response required.
- 41. Defendant denies the allegations contained in Paragraph No. 41.
- 42. Any other allegations not specifically admitted are hereby denied.

WHEREFORE, having fully answered the Complaint, Defendant prays as follows:

- (a) That this case be tried before a jury;
- (b) That the Complaint be dismissed;
- (c) That Defendant recover his litigation costs, including reasonable attorney's fees; and

- (d) That Defendant has such other and further legal and equitable relief as the Court deems just and proper.

Respectfully submitted, this 19th day of October 2021.

LINDSEY & LACY, PC

/s/ W. Thomas Lacy, Jr.
W. Thomas Lacy, Jr.
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Attorney for Defendant Mahendra Amin, M.D.

CERTIFICATE OF SERVICE AND TYPE SIZE COMPLIANCE

I certify that I electronically filed the foregoing **ANSWER** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record:

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Respectfully submitted, this 19th day of October, 2021.

LINDSEY & LACY, PC

/s/ W. Thomas Lacy, Jr.
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